



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

April 15, 2005

Mr. David Alpert, Treasurer
New York State Democratic Committee
60 Madison Avenue Suite 1201
New York, NY 10010

Response Due Date:
May 16, 2005

Identification Number: C00143230

Reference: 30 Day Post-General Report (10/14/04 – 11/22/04)

Dear Mr. Alpert:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-The limitation on making coordinated party expenditures on behalf of a **House** candidate for the 2004 general election is \$37,310. Your reports, however, disclose coordinated party expenditures made on behalf of **Brian Higgins** totaling \$42,198.66, which appear to exceed the limitations under 2 U.S.C. §441a(d) (see attached).

If any apparently excessive expenditure in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If you have made an excessive coordinated party expenditure, you must notify the candidate and request a refund of the amount in excess of the limitation.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund request sent to the candidate. In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received.

Although the Commission may take further legal action concerning the

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excessive coordinated party expenditures, prompt action in obtaining a refund will be taken into consideration.

-Schedule B supporting Line 21(b) of your report discloses a payment(s) for "Phone banking- Non Candidate Specific", which appears to be disclosed on the wrong line of the Detailed Summary Page. Please be advised that Voter Identification, Generic Campaign and Get-out-the-vote activity conducted in connection with an election in which one or more candidates for Federal office appear on the ballot is considered to be Federal Election Activity. 11 CFR §100.24 Please amend your report to properly disclose this activity on Line 30(b) or provide clarification regarding this activity.

-Your report disclosed a category of financial activity that has been reflected on the wrong line of the Detailed Summary Page. Transfers from candidate committees should be properly disclosed on a separate Schedule A, supporting Line 17 of the Detailed Summary Page. Please refer to the instructions for each line when determining the proper categorization(s) for your next filing.

Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1398.

Sincerely,



Michael H. Hartsock
Campaign Finance Analyst
Reports Analysis Division

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| Recipient Name | Date | Amount | Election | Report |
|----------------|----------|-------------|----------|----------------------------|
| Brian Higgins | 10/12/04 | \$12,021.56 | G2004 | 12 Day Pre-General Report |
| Brian Higgins | 10/14/04 | \$5,420.82 | G2004 | 30 Day Post-General Report |
| Brian Higgins | 10/14/04 | \$11,650.00 | G2004 | 30 Day Post-General Report |
| Brian Higgins | 10/21/04 | \$930.40 | G2004 | 30 Day Post-General Report |
| Brian Higgins | 10/21/04 | \$12,150.00 | G2004 | 30 Day Post-General Report |
| Brian Higgins | 11/15/04 | \$25.88 | G2004 | 30 Day Post-General Report |

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